

THE OLD BACHELOR'S NEW YEAR.

Oh, the Spring hath less of brightness
Every year,
And the snow a ghastlier whiteness,
Every year;
Nor do Summer blossoms quicken,
Nor does Autumn fruitage thicken,
As it did—the seasons sicken
Every year.

It is growing cold and colder
Every year,
And I feel that I am older
Every year;
And my limbs are less elastic,
And my fancy not so plastic—
Yea, my habits grow monastic
Every year.

'Tis becoming bleak and bleakier
Every year,
And my hopes are waxing weaker
Every year;
Care I now for merry dancing,
Or for eyes with passion glancing?
Love is less and less entrancing
Every year.

Oh, the days that I have squandered
Every year,
And the friendships rudely sundered
Every year;
Of the ties that might have twined me,
Until time to death resigned me,
My infirmities remind me
Every year.

Sad and sad to look before us
Every year,
With a heavier shadow o'er us
Every year;
To behold each bosom faded
And to know we might have made it
An immortal garland, braided
Round the year.

Many a spectral, beckoning finger,
Year by year,
Chides me that so long I linger,
Year by year;
Every early comrade sleeping
In the churchyard, whither, weeping,
I—alone unwept—am creeping,
Year by year.

THE LOGAN ANTI-MOR-MON BILL.

IN THE

SENATE OF THE UNITED STATES,

DECEMBER 4TH, 1873.

Mr. Logan asked and, by unanimous consent, obtained leave to bring in the following bill; which was read twice, referred to the committee on the judiciary and ordered to be printed:

A BILL

IN AID OF THE EXECUTION OF THE LAWS IN THE TERRITORY OF UTAH, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States marshal of Utah Territory may appoint deputies in each of the judicial districts of said Territory. Said deputies shall be authorized to enter upon the discharge of their duties upon the approval of such appointments by the judge of the district court of the district in which each is appointed. And said deputies shall each take and subscribe the same oath prescribed by law to be taken by the marshal, and give bond, with good and sufficient sureties, to said marshal, in the penal sum of ten thousand dollars, conditioned for the faithful discharge of their duties as such deputy; and said appointment, approval, oath, and bond shall be entered upon the records of said court.

SEC. 2. That it shall be the duty of said marshal, in person or by his deputies, to attend the district and supreme courts of said Territory, and serve and execute all process, orders, judgments, or decrees issued, rendered, or directed by said court, or by any judge thereof.

SEC. 3. That the United States district attorney of said Territory may also appoint assistants in each of the judicial districts of said Territory: *Provided*, That before any such assistant shall enter upon the discharge of his duties his appointment shall be approved by the presiding judge of the district court of the district for which such appointment is made, and said assistant shall take and subscribe to the same oath prescribed by law to be taken by the district attorney, and said appointment, approval, and oath shall be entered upon the records of said courts. The same fees and emoluments as the district attorney would be entitled to for the services of assistant district attorneys.

SEC. 4. That it shall be the duty of said district attorney, in person or by his assistants, to attend all the courts of said Territory, and perform the duties of prosecuting attorney in all criminal cases arising in said courts.

SEC. 5. That only male citizens of the United States over the age of twenty-one years shall be competent to serve as grand or petit jurors in said Territory.

SEC. 6. That the grand jury of said Territory shall consist of fifteen good and lawful men, twelve of whom concurring may find and return a bill of indictment.

SEC. 7. That whenever a district judge of said Territory shall determine that a grand or petit jury will be needed at a term of his court, the said judge and the United States marshal and clerk shall make a list in writing of two hundred male citizens of the United States residing in said district, and shall affix thereto their certificate to the effect that the same is the list from which the grand and petit jurors are to be drawn for the ensuing term of the court, and shall cause the same to be filed in the office of the clerk of said court. And whenever the judge shall order the clerk to issue a venire, the clerk, in the presence of said judge and marshal or his deputy, shall write the names contained in the said list, each on a separate slip of paper, all the slips being of the same size and kind, and shall fold them uniformly, so that the name written thereon shall be concealed, shall then place them in a covered box, and thoroughly mix and mingle them, and shall draw therefrom the requisite number of names. If a grand jury be required, it shall be drawn first. Both grand and petit jurors thus to be drawn shall consist of the same number of men as are required in the circuit and district courts of the United States. The clerk shall make a list in writing of the names of the persons constituting each panel so drawn, and the clerk and marshal shall affix thereto their certificates of the time and place of such drawing and file the same in the office of said clerk, who shall forthwith issue a venire to the said marshal, commanding him to summon the men so drawn to attend and serve as such jurors, at the time and place previously designated by the said judge; and such jurors shall constitute the regular panel for such term of the court for all cases, whether arising under the laws of the United States or under the laws of said Territory. If at any time talesmen shall be required, their names may be drawn from the said box by the clerk in open court, or they may be summoned from the bystanders, or from the vicinage, as the presiding judge shall direct. No challenge shall be allowed on the ground that a juror had been summoned or had served at a previous term of court. Each party, whether in civil or criminal cases, shall be allowed six peremptory challenges. In criminal cases the court, and not the jury, shall pronounce the punishment under the limitations prescribed by law.

SEC. 8. That in all suits or proceedings at law or in equity, wherein the United States are neither a party nor interested, costs may be taxed against and collected of the proper parties, under direction of the court, or of the clerk thereof, and the collection thereof enforced by execution or attachment against the property of the party. The fees of the jury shall be advanced by the winning party, but may be recovered back as a part of the costs in the case.

SEC. 9. That the United States attorney, United States marshal, clerk, and each grand and petit juror, shall receive for his services in criminal cases, or proceedings arising under the laws of the Territory, the same fees or compensation as are allowed for like services in criminal cases or proceedings arising under the laws of the United States, and such fees or compensation being ascertained by the court or judge before whom the services are rendered, or in the case of the attorney and marshal by the supreme court of the Territory, shall be paid to the said attorney, marshal, and jurors, respectively, from the territorial treasury on the thirtieth day of June and the thirtieth day of December in each year.

SEC. 10. That whereas marriage in said Territory of Utah rests solely on the contract of the parties followed by cohabitation, there being no form, manner, or ceremony prescribed therefor by the laws of said Territory, or requiring

any record, certificate, or publication of the same, in such case, in all prosecutions for bigamy, polygamy, or adultery, it shall not be necessary to prove either the first or subsequent marriage by the registration or certificate thereof, or other recorded evidence, but the same may be proved by such evidence as is admissible to prove a marriage in civil cases, and proof of cohabitation by the accused with more than one woman as husband and wife, his declaration or admission that such women are his wives, his acts recognizing, acknowledging, introducing, treating, or deporting himself toward them as such shall be admissible as evidence.

SEC. 11. That any woman now or hereafter holding the relation of spouse or consort, and not that of a lawful wife, to any man who at the time cohabits with another woman as his wife, spouse, or consort, may file her petition in the district court of the district in which she resides, asking to be discharged from such relation; and the person to whom she bears the relation aforesaid being made a party thereto, and having notice of such proceeding, the said court may, upon due hearing, adjudge and decree her discharged and freed from such relation as aforesaid, and may adjudge and decree to her the possession and control of her minor child or children, together with such portion of the estate and property of the said man to whom she held the said relation as shall, under all the circumstances, be equitable and just, for the support of herself and minor child or children. And the said court shall cause to be made on the records an entry of such decree, and give to her a declaration of discharge, setting forth briefly the substance of such decree; and upon the entry of such decree the said woman so discharged shall be a femme sole: *Provided nevertheless*, That nothing in this section contained shall be construed to have the effect of recognizing the validity or legal effect of any dual or plural marriage, or to repeal any laws in relation to divorce; and nothing in this act shall be held to repeal, annul, or change any existing laws against polygamy or bigamy, otherwise than as the same are modified in regard to evidence admissible to prove the said offenses by the preceding sections.

SEC. 12. That in all cases or proceedings when imprisonment may be ordered, if there be no jail or prison in which the person to be imprisoned can with safety be kept, the court or judge may order such person to be confined in any military prison or camp of the United States in said Territory, and the officer or person in command of such prison or camp is hereby authorized and required, on the order of the court or judge, to receive and safely keep such person until he shall be lawfully discharged from custody.

SEC. 13. That it shall be the duty of the governor of said Territory, so often as it shall appear necessary, to inspect, or cause to be inspected, the jails or other prisons in said Territory, and the manner prisoners are held, treated, and imprisoned therein; and the governor shall make rules for the regulation and government of said jails and prisons; and he is hereby empowered to remove the wardens and keepers of all jails and prisons, or other officers connected therewith, and appoint others in their stead as often as in his opinion the public good shall require.

SEC. 14. That no alien living in or practicing bigamy or polygamy shall be admitted to citizenship of the United States, and no person living in or practicing bigamy or polygamy shall be entitled to vote or hold office in any Territory of the United States.

SEC. 15. That in the absence or in case of sickness or other disability of any of the judges of said Territory, or for any cause whatever which renders it necessary, it shall be competent for either of the judges to hold court and discharge other official duties in any of the judicial districts of said Territory; and it is hereby made the duty of said judges, upon the request of the governor of said Territory, in writing, setting forth the reason and necessity for such request or direction, to proceed to the district designated, and hold the terms of the court therein until such necessity shall cease.

SEC. 16. That the probate judges and notaries public in said Territory shall be appointed by the

governor, be subject to removal by him, and shall hold their offices for the term prescribed by law, or until their successors are appointed and qualified.

SEC. 17. That an appeal by any party aggrieved shall be allowed from all final decisions, orders, judgments, or decrees of all inferior courts in said Territory to the district court of the proper district, and in correction of the proceedings of such inferior courts of said Territory; and to prevent and correct abuses by the same, the district courts of said Territory are hereby authorized to issue writs of error, certiorari, mandamus, injunction, prohibition, and quo warrant; and in all cases of appeal from one court to another, where a bond or other security is required to be given by the parties appealing, it shall not be lawful to demand or exact of such party the payment of costs adjudged or taxed against him until the appeal shall be finally disposed of by the appellate court, and the supreme court of said Territory may make rules and regulations as to the mode and manner of taking and perfecting appeals from one court to another in said Territory, and the security, if any, to be given on such appeals, so that the just rights of the parties may be secured and preserved.

SEC. 18. That in all cases of election by ballot it shall be unlawful for any person to put any number, figure, or device upon said ballot, whereby any person may be enabled to ascertain by whom the ballot was given; and any violation of, or attempt to violate, this provision shall be deemed and taken to be a felony, and upon conviction thereof the person so offending may be punished by a fine not exceeding five hundred dollars, or by imprisonment in the penitentiary not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. And at all elections none but male citizens of the United States over twenty-one years of age, and who have resided in the Territory four months next preceding, and in the county, precinct, or election-district thirty days next prior to the election, shall be qualified to vote.

SEC. 19. That the probate courts in their respective counties in said Territory shall have power to hear, try, and determine civil causes wherein the debt or sum or value of property claimed does not exceed five hundred dollars, but shall not exercise any criminal or equity jurisdiction whatever; that the district courts in said Territory shall have exclusive original jurisdiction in all actions for divorce or alimony, and in all chancery cases or proceedings. All courts in said Territory, except the supreme, district, probate, and justices' courts provided for in the organic act thereof, are hereby abolished. Each district judge may fix the times and places for holding his court for the transaction of business arising under the laws of the Territory, and the number of terms which may be held annually, but such action shall be subject to revision by the judges of the supreme court, and at one of such places to be designated by the judges causes arising under the Constitution and laws of the United States shall be tried. The supreme court may establish the several judicial districts, and assign the judges thereto. The district courts shall have exclusive original jurisdiction in all proceedings for the condemnation of private property for public uses.

SEC. 20. That each district court in the Territory may appoint a short-hand reporter, whose duty it shall be to report and transcribe the testimony and proceedings in such criminal cases amounting to felony as shall be designated by the judge of said court, and who shall receive the same fees or compensation therefor as are allowed for like services in the circuit courts of the United States. Such fees or compensation for services in cases of proceedings arising under the laws of the Territory, being taxed by the court or judge, shall be paid to such reporter from the territorial treasury annually, on the third Monday in December; and in case the territorial legislature shall fail to make provision for the payment of the fees and compensations by this act made chargeable upon the territorial treasury, then in such case the same shall be paid out of the funds which have been or shall be appropriated by Congress to defray the expenses of the territorial legislature, and for the compensation of the members thereof.

SEC. 21. That if any person not qualified to vote shall vote, or offer to vote, at any election, or if any qualified voter shall cast, or offer to cast, at any election more than one vote for the same officer or officers, he shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in the district court of the proper district, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the penitentiary not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 22. The legislative authority of Utah Territory shall have power to prescribe by law the pleading, practice, and

procedure in all cases in chancery and at common law now pending, or hereafter instituted in the supreme, district, and probate courts, and to provide in such cases for the joinder of legal and equitable causes of action, for the interposition of equitable defenses to legal causes of action, and for the same mode of pleading, practice, and procedure in cases in chancery and at common law: *Provided*, That nothing in this act shall be construed to authorize said legislative assembly to change or interfere with the pleading, practice, or procedure in said courts, while exercising their jurisdiction as circuit or district courts, in cases arising under the Constitution and laws of the United States; and in all such cases the grand and petit jurors shall be summoned and empaneled, and the process of the court served in the same manner as obtains in the district and circuit courts of the United States: *And provided further*, That the existing legislation of Utah Territory, prescribing the mode of pleading, practice, and procedure in said courts, as specified here in, is hereby recognized as valid, and declared in force in said courts, and in the determination of all appeals therefrom, until the same shall be amended, modified, or repealed by the legislative power of said Territory.

SEC. 23. That the common law of England in force in the colonies of America at the date of the Declaration of Independence is hereby extended over, and declared to be in force in, the Territory of Utah, so far as the same is applicable.

SEC. 24. That at any general or special election held in the Territory of Utah, the election precincts shall be established and designated at least thirty days before the election. The Governor, United States attorney, and secretary of the Territory shall have power to appoint one judge and one clerk of election for each election precinct in the Territory so established, and to establish such additional precincts as may be necessary to secure to the people a free and fair election, and to appoint the judges and clerks of election at such additional precincts.

SEC. 25. That the time limited in the third section of the act of the Legislative Assembly of Utah, entitled, "An act prescribing rules and regulations for the execution of the trust created under the act of Congress, entitled 'An act for the relief of inhabitants of cities and towns on the public lands,' approved March, eighteen hundred and sixty-seven," approved February seventeenth, eighteen hundred and sixty-nine, in which the rightful owners or claimants of lands within cities and towns of said Territory are required to file the statement prescribed by said act, shall not apply to persons who, at the expiration of said limitation, were either infants, femme-coverts, insane, or in prison, but such persons shall have one year after the removal of their disability in which to file said statement.

SEC. 26. That the following acts and parts of acts passed by the Legislative Assembly of the Territory of Utah are approved and annulled, namely: "An ordinance incorporating the Church of Jesus Christ of Latter-day Saints," approved February eighth, eighteen hundred and fifty-one; also, the act entitled "An act in relation to the judiciary," approved January nineteenth, eighteen hundred and fifty-five; also, the act entitled "An act regulating the mode of procedure in civil cases in the courts of the Territory of Utah," approved December thirtieth, eighteen hundred and fifty-two; also, sections four and thirteen of the act entitled "An act in relation to justices of the peace," approved February fourth, eighteen hundred and fifty-two; also, the act entitled "An act conferring upon women the elective franchise," approved February Twelfth, eighteen hundred and seventy; also, the act entitled "An act providing for the management of certain private property," approved January twentieth, eighteen hundred and fifty-four; also, the act entitled "An act limiting the time of commencing civil actions," approved February sixteenth, eighteen hundred and seventy-two; also, the act entitled "An act for the organization of the militia of the Territory of Utah," approved January fifteenth, eighteen hundred and fifty-seven, and the system of regulations for the present organization and government of the militia of the Territory of Utah, adopted July, eighteen hundred and fifty-seven; also, section seven of the act entitled "An act creating the office of selectmen, and prescribing their duties," approved January eighth, eighteen hundred and sixty-six; also, section one of the act entitled "An act containing provisions applicable to the laws of the Territory of Utah," approved January fourteenth, eighteen hundred and fifty-four; also, section three of the act entitled "An act in relation to writs of habeas corpus," approved February second, eighteen hundred and fifty-two, so far as the same purports to confer upon the probate courts the power to issue or allow writs of habeas corpus; also the act entitled "An act for the regulation of attorneys," approved February eighteenth, eighteen hundred and fifty-two; also, section one of the act entitled "An act in relation to writs of ejectment," approved March third, eighteen hundred and fifty-two; also, section twenty-four of the act entitled "An act regulating the mode of procedure in criminal cases," approved January twenty-first, eighteen hundred and fifty-three; also, section three of the act entitled "An act to regulate surveyors and surveying," approved March third, eighteen hundred and fifty-two; also, section five of the act entitled "An act regulating elections," approved January third, eighteen hundred and fifty-three; also, section three of the act entitled "An act concerning the property-rights of married persons," approved February sixteenth, eight hundred and seventy-two; also, all resolutions, acts, or parts of acts granting to individuals, as associations, or corporations the possessory right to any portion of the public domain as herding-grounds, timber-rights, or water-privileges thereon; also, all acts incorporating cities or towns; also, all acts providing for the election, by the legislature, of auditor, treasurer, surveyor-general, and wardens of penitentiary, so far as said acts provide for the election of said officers by the legislative assembly of said Territory, and all of said officers shall be appointed by the governor of said Territory, and subject to removal by him; also, all acts or parts of acts so far as the same are inconsistent with the provisions of this act.

Wm. M. Boggs, who has resided in Napa valley, Cal., since 1846, thinks the late snow-storm the heaviest that has occurred in twenty-seven years.